

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrative)	
Company by)	
)	
Dickey LaMoure Multidistrict)	File No. SLD-317023
Special Education)	
LaMoure, North Dakota)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: October 31, 2003**Released: November 3, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by Dickey LaMoure Multidistrict Special Education, LaMoure, North Dakota (Dickey LaMoure).¹ Dickey LaMoure seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny Dickey LaMoure's Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ In order to receive discounts on eligible services, the Commission's rules require that an applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth the school's technological needs and the services for which it seeks discounts.⁴ Once the

¹ See Letter from Rhoda Young, Dickey LaMoure Multidistrict Special Education, to Federal Communications Commission, filed July 8, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ 47 C.F.R. §§ 54.402, 54.503.

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

school has complied with the Commission's competitive bidding requirements and signed a contract for the eligible services, it must file an FCC Form 471 application to notify the Administrator, among other things, of the services that have been ordered, the carrier with whom the school has signed the contract, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵ Applicants may submit paper applications or may file online.⁶

3. Dickey LaMoure filed its FCC Form 471 (SLD File No. 317023) online on January 16, 2002.⁷ On February 12, 2002, SLD issued a letter acknowledging receipt of File No. 317023, and showing one Funding Request Number (FRN), 837529, for telecommunications services provided by Dickey Rural Communications, Inc.⁸ On March 12, 2002, Dickey LaMoure appealed SLD's decision, stating that the February 12, 2002 letter had failed to reflect support for Dickey LaMoure's FRN for telecommunications services provided by US Link.⁹ On June 24, 2002, SLD denied Dickey LaMoure's appeal regarding the FRN for discounts for US Link's services.¹⁰ SLD stated that its records did not show any request for discounts for US Link's services.¹¹ Dickey LaMoure subsequently filed the instant appeal.¹²

4. As proof that its FCC Form 471 included the FRN for US Link's services, Dickey LaMoure provides a printout it had saved when it was in the process of completing its FCC Form 471 online.¹³ One of the pages of the printout does reflect a request for telecommunications services from US Link.¹⁴ However, the final FCC Form 471 as submitted by Dickey LaMoure did not include that request.¹⁵ It appears that Dickey LaMoure may have inadvertently failed to save that FRN when filing online. Because there is no indication that SLD erred in determining

⁵ 47 C.F.R. § 54.504(c).

⁶ See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 2002) (FCC Form 471 Instructions) at 5.

⁷ See FCC Form 471, Dickey LaMoure Multidistrict Special Education, filed January 16, 2002 (Dickey LaMoure Form 471). Dickey LaMoure had previously begun a separate FCC Form 471, SLD File No. 315266, but SLD records reflect that Dickey LaMoure did not complete that application. See FCC Form 471 (SLD File No. 315266) (incomplete).

⁸ See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rhoda Young, Dickey LaMoure Special Education Unit, dated February 12, 2002.

⁹ See Letter from Rhoda Young, Dickey LaMoure Multidistrict Special Education, to Schools and Libraries Division, Universal Service Administrative Company, filed March 12, 2002.

¹⁰ See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rhoda Young, Dickey LaMoure Multidistrict Special Education, dated June 24, 2002.

¹¹ *Id.*

¹² See Request for Review.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Dickey LaMoure Form 471.

the appropriate funding level for Dickey LaMoure, we deny Dickey LaMoure's Request for Review.

5. To the extent that Dickey LaMoure additionally asks us to waive our rules in this instance, we deny its request.¹⁶ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.¹⁷ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of filing properly on the applicants.¹⁸ As we have consistently held in the past, applicants are responsible for complying with program rules and procedures.¹⁹

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Dickey LaMoure Multidistrict Special Education, LaMoure, North Dakota, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹⁶ 47 C.F.R. § 54.720(b).

¹⁷ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁸ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

¹⁹ *See, e.g., Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).